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## 1931-CC01312 - DIANA L KERSHNER ET AL V LOWES HOME CENTERS ET AL (E-CASE)

Case Header	Parties & Attorneys	Docket Entries	Charges, Judgments & Sentences	Service Information	Filings Due	Scheduled Hearings & Trials	Civil Judgments	Garnishments/ Execution
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Sort Date Entries: ☒ Descending  
☐ Ascending

Display Options:

- 12/02/2019** ☐ [Corporation Served](#)  
Duplicate Summons Return 19-SMCC-2452 returned by Cole County Sheriff's Office with service on Lowes Home Centers LLC (by leaving a copy with CSC Lawyers, S.L. - Designee) on 11/07/2019./ej
- 11/25/2019** ☐ [Corporation Served](#)  
Document ID - 19-SMCC-2452; Served To - LOWES HOME CENTERS LLC; Server - SO COLE COUNTY-JEFFERSON CITY; Served Date - 07-NOV-19; Served Time - 00:00:00; Service Type - Sheriff Department; Reason Description - Served; Service Text - By leaving a copy with Shelly Louis (designee).
- ☐ [Notice of Service](#)  
**Filed By:** JONATHAN P DAVIS  
**On Behalf Of:** DIANA L KERSHNER, DENNIS J KERSHNER
- 11/01/2019** ☐ [Certificate of Service](#)  
Plts Certificate of Service (Plts First Set of Interrogatories to Dft; and Plts First Request for Production of Documents to Dft)./ba  
**Filed By:** JONATHAN P DAVIS  
**On Behalf Of:** DIANA L KERSHNER, DENNIS J KERSHNER
- ☐ [Amended Motion/Petition Filed](#)  
Plts Amended Petition for Damages./ba  
**On Behalf Of:** DIANA L KERSHNER, DENNIS J KERSHNER
- 10/23/2019** ☐ [Summons Issued-Circuit](#)  
Document ID: 19-SMCC-2452, for LOWES HOME CENTERS LLC. Summons saved and attached in PDF format for Attorney to retrieve from secure case.net./cr
- 10/19/2019** ☐ [Filing Info Sheet eFiling](#)  
**Filed By:** JONATHAN P DAVIS
- ☐ [Note to Clerk eFiling](#)  
**Filed By:** JONATHAN P DAVIS
- ☐ [Pet Filed in Circuit Ct](#)  
Plts Petition for Damages./cr  
**On Behalf Of:** DIANA L KERSHNER, DENNIS J KERSHNER
- ☐ [Judge Assigned](#)

**IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI**

DIANA L. KERSHNER	)	
and	)	
DENNIS J. KERSHNER,	)	
	)	
Plaintiffs,	)	Case No.
	)	
vs.	)	
	)	
JOHN DOE	)	
and	)	
LOWE'S HOME CENTERS, LLC,	)	
	)	
Defendants.	)	

Serve Lowe's Home Centers, LLC  
 CSC Lawyers Incorporating Service  
 Company  
 221 Bolivar  
 Jefferson City, MO 65101

**PETITION FOR DAMAGES****ALLEGATIONS COMMON TO ALL COUNTS**

COMES NOW, Plaintiffs Diana L. Kershner and Dennis J. Kershner, by and through their attorneys of record, Jonathan P. Davis of Brad Bradshaw, M.D., J.D., L.C., and for their claims and causes of action against Defendants Lowe's Home Centers, LLC and John Doe, alleges and states as follows:

**PLAINTIFF**

1. That Plaintiffs Diana L. Kershner and Dennis J. Kershner are individual citizens and residents of Mt. View, Howell County, MO.

**DEFENDANT**

2. That Defendant Lowe's Home Centers, LLC is a foreign corporation doing business in the state of Missouri with registered agent for service of process is

CSC-Lawyers Incorporating Service Company.

### JURISDICTION AND VENUE

3. That the acts hereinafter mentioned giving rise to this cause of action all occurred in Greene County, Missouri; that the causes of action alleged are torts; that Plaintiff's damages exceed \$25,000.00; and that, pursuant to V.A.M.S. Section 506.500 and Section 508.010, this Court has jurisdiction and venue, respectively, in this cause.

### FACTS OF THE OCCURRENCE

4. On or about January 2018, in the course and scope of business, Defendant Lowes Home Centers, LLC's agent, representative, employee or statutory employee installed carpeting in Plaintiffs' house, specifically the stairs leading to the basement.

5. That Defendant Lowe's Home Centers, LLC's agent, representative, employee or statutory employee negligently installed the carpet by not nailing, gluing, tacking or otherwise securing the carpet to the underlying wood, causing an unreasonable risk to Plaintiff.

6. That on or about May 15, 2018, Plaintiff Diana Kershner walked down the basement stairs, slipped and fell on the fourth step from the bottom of the stairs due to the negligently installed carpet.

### COUNT I

#### NEGLIGENCE OF DEFENDANT JOHN DOE

COMES NOW, Plaintiff Diana Kershner, by and through her attorneys, and for her claim and cause of action on Count I of this Petition for Damages against Defendant

JOHN DOE alleges and states as follows:

7. Plaintiff hereby incorporates the preceding paragraphs of this Petition for Damages as though fully set forth herein.
8. That Defendant JOHN DOE owed a duty to Plaintiff to install the carpet on the stairs using ordinary care.
9. That Defendant JOHN DOE breached that duty and was negligent by failing to properly secure the carpet to the underlying wood steps, causing the steps to not be reasonably safe.
10. That as a direct and proximate cause of said negligence, Plaintiff Diana Kershner was caused to be seriously and permanently injured in one, more than one, or all of the following respects, to-wit:
  - a. That Plaintiff Diana Kershner has suffered painful, permanent, and progressive bodily injury to her neck, back, right shoulder, left hip, left knee and right knee;
  - b. That Plaintiff Diana Kershner has suffered and will continue to suffer from severe and violent injury to her contiguous ligaments, nerves, bones, and tissues of the areas as described in 9a;
  - c. That Plaintiff Diana Kershner suffered serious worsening of multiple pre-existing illnesses to the extent such even existed;
  - d. That as a direct and proximate cause of Defendant Lowe's Home Centers, LLC's negligence, Plaintiff Diana Kershner has incurred, and will incur in the future, significant medical bills and expenses, healthcare expenses, and prescriptive expenses, the exact amount of which are presently unknown; and,
  - e. That as a direct and proximate cause of Defendant Lowe's Home Centers, LLC's negligence, Plaintiff Diana Kershner has suffered pain, physical impairment and loss of life's enjoyment.

**WHEREFORE**, Plaintiff prays for judgment against Defendant JOHN DOE on Count I of this Petition for Damages in an amount that is fair and reasonable as

determined by either the Court and a jury, and those damages permitted by law; for Plaintiffs' costs herein expended and incurred, and for such further and other relief as deemed just and proper under the premises.

## COUNT II

### VICARIOUS LIABILITY OF DEFENDANT LOWE'S HOME CENTERS, LLC

COMES NOW, Plaintiff Diana Kershner, by and through her attorneys, and for her claim and cause of action on Count II of this Petition for Damages against Defendant Lowe's Home Centers, LLC alleges, and states as follows:

11. Plaintiff hereby incorporates the preceding paragraphs of this Petition for Damages as though fully set forth herein.
12. That Defendant JOHN DOE was an agent, servant, employee or statutory employee of Defendant Lowe's Home Centers, LLC and at all relevant times herein, was acting within the course and scope of his agency, servitude or employment with Defendant Lowe's Home Centers, LLC.
13. That Defendant Lowe's Home Centers, LLC is vicariously liable for the negligent acts of Defendant JOHN DOE.
14. That as a direct and proximate cause of said negligence, Plaintiff Diana Kershner was caused to be seriously and permanently injured in one, more than one, or all of the following respects, to-wit:
  - a. That Plaintiff Diana Kershner has suffered painful, permanent, and progressive bodily injury to her neck, back, right shoulder, left hip, right and left knee;
  - b. That Plaintiff Diana Kershner has suffered and will continue to suffer from severe and violent injury to her contiguous ligaments, nerves, bones, and tissues of the areas as described in 9a and 12a;

- c. That Plaintiff Diana Kershner suffered serious worsening of multiple pre-existing illnesses to the extent such even existed;
- d. That as a direct and proximate cause of Defendant Lowe's Home Centers, LLC's negligence, Plaintiff Diana Kershner has incurred, and will incur in the future, significant medical bills and expenses, healthcare expenses, and prescriptive expenses, the exact amount of which are presently unknown; and,
- e. That as a direct and proximate cause of Defendant Lowe's Home Centers, LLC's negligence, Plaintiff Diana Kershner has suffered pain, physical impairment and loss of life's enjoyment.

**WHEREFORE**, Plaintiff prays for judgment against Defendant Lowe's Home Centers, LLC on Count II of this Petition for Damages in an amount that is fair and reasonable as determined by either the Court and a jury, and those damages permitted by law; for Plaintiffs' costs herein expended and incurred, and for such further and other relief as deemed just and proper under the premises.

### COUNT III-LOSS OF CONSORTIUM

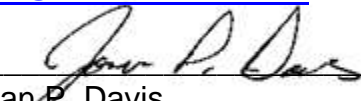
COMES NOW, Plaintiff Dennis Kershner by and through his attorneys or record, and for Count III of this Petition against Defendants states and avers as follows:

- 15. Plaintiff Dennis Kershner incorporates all of the previous paragraphs as though each of said paragraphs was fully set forth herein *in haec verba*.
- 16. That at all times mentioned herein, Plaintiff Dennis Kershner was the lawfully wedded husband of Plaintiff Diana Kershner.
- 17. That as a result of the aforesaid fall and negligence of the Defendants, Plaintiff Dennis Kershner has been caused to suffer the loss of society, consortium, companionship, love affection and support of the said Plaintiff Diana Kershner, his wife.

**WHEREFORE**, Plaintiffs pray for judgment against Defendants on Count III of this Petition for Damages in an amount that is fair and reasonable as determined by

either the Court and a jury, and those damages permitted by law; for Plaintiffs' costs herein expended and incurred, and for such further and other relief as deemed just and proper under the premises.

BRAD BRADSHAW M.D., J.D., L.C.  
1736 E. Sunshine, Suite 600  
Springfield, MO 65804  
(417) 889-0100; FAX (417) 889-9229  
[brad@semitrucklaw.com](mailto:brad@semitrucklaw.com)  
[jondavis@semitrucklaw.com](mailto:jondavis@semitrucklaw.com)

By:   
Jonathan P. Davis  
Bar Number:.....60988  
Attorneys for Plaintiff

JURY DEMAND

Plaintiff hereby requests a 12-person jury trial in the above captioned cause in accordance with the laws of the state of Missouri.

  
Jonathan Davis



## Notice of Service of Process

null / ALL  
Transmittal Number: 20658343  
Date Processed: 11/07/2019

**Primary Contact:** Heather McClow  
Lowe's Companies, Inc.  
1000 Lowes Blvd  
 Mooresville, NC 28117-8520

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**Entity:** Lowe's Home Centers, LLC  
Entity ID Number 2515365

**Entity Served:** Lowes Home Centers LLC

**Title of Action:** Diana L. Kershner vs. John Doe

**Document(s) Type:** Summons and Amended Complaint

**Nature of Action:** Personal Injury

**Court/Agency:** Greene County Circuit Court, MO

**Case/Reference No:** 1931-CC01312

**Jurisdiction Served:** Missouri

**Date Served on CSC:** 11/07/2019

**Answer or Appearance Due:** 30 Days

**Originally Served On:** CSC

**How Served:** Personal Service

**Sender Information:** Jonathan P. Davis  
417-889-9229

**Enclosures:** Original Attachment Pending:  
CD

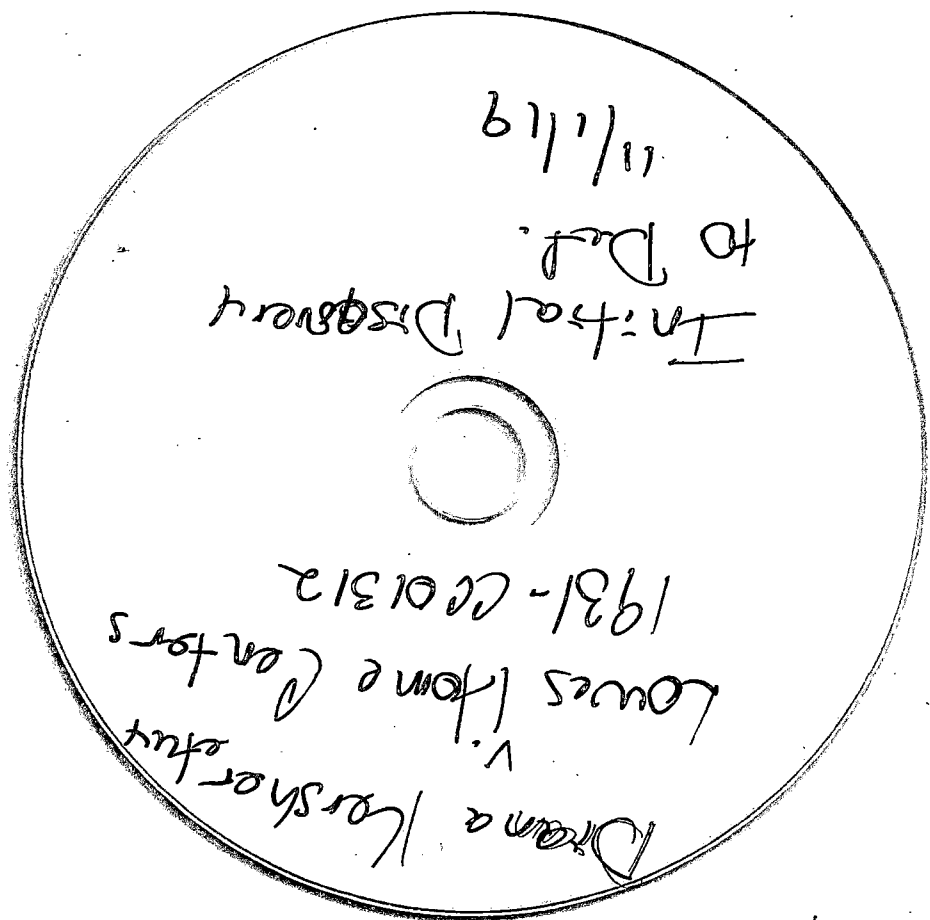
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Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

**To avoid potential delay, please do not send your response to CSC**

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | [sop@cscglobal.com](mailto:sop@cscglobal.com)








# IN THE 31ST JUDICIAL CIRCUIT, GREENE COUNTY, MISSOURI

Judge or Division: MARK A POWELL	Case Number: 1931-CC01312
Plaintiff/Petitioner: DIANA L KERSHNER	Plaintiff's/Petitioner's Attorney/Address JONATHAN P DAVIS 1304 West Battlefield SPRINGFIELD, MO 65807
Defendant/Respondent: LOWES HOME CENTERS LLC	Court Address: JUDICIAL COURTS FACILITY 1010 N BOONVILLE AVE SPRINGFIELD, MO 65802
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

## Summons in Civil Case

**The State of Missouri to: LOWES HOME CENTERS LLC**  
**Alias:**  
 CSC LAWYERS INC SERVICE  
 221 BOLIVAR  
 JEFFERSON CITY, MO 65101  
 COURT SEAL OF



**GREENE COUNTY**

**You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.**

10/23/2019 Date /S/ THOMAS R. BARR BY CR Clerk

Further Information:

### Sheriff's or Server's Return

**Note to serving officer:** Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.  
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with \_\_\_\_\_, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.  
☐ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: \_\_\_\_\_ (name) \_\_\_\_\_ (title).  
☐ other: \_\_\_\_\_

Served at \_\_\_\_\_ (address)  
 in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

Subscribed and sworn to before me on \_\_\_\_\_ (date).

(Seal)

My commission expires: \_\_\_\_\_

Date

Notary Public

### Sheriff's Fees, if applicable

Summons \$ \_\_\_\_\_  
 Non Est \$ \_\_\_\_\_  
 Sheriff's Deputy Salary  
 Supplemental Surcharge \$ 10.00  
 Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)  
**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI

DIANA L. KERSHNER	)	
and	)	
DENNIS J. KERSHNER,	)	
	)	
Plaintiffs,	)	Case No. 1931-CC01312
	)	
vs.	)	
	)	
JOHN DOE	)	
and	)	
LOWE'S HOME CENTERS, LLC,	)	
	)	
Defendants.	)	

**AMENDED PETITION FOR DAMAGES**

**ALLEGATIONS COMMON TO ALL COUNTS**

COMES NOW, Plaintiffs Diana L. Kershner and Dennis J. Kershner, by and through their attorneys of record, Jonathan P. Davis of Brad Bradshaw, M.D., J.D., L.C., and for their claims and causes of action against Defendants Lowe's Home Centers, LLC and John Doe, alleges and states as follows:

**PLAINTIFF**

1. That Plaintiffs Diana L. Kershner and Dennis J. Kershner are individual citizens and residents of Springfield, Greene County, MO.

**DEFENDANT**

2. That Defendant Lowe's Home Centers, LLC is a foreign corporation doing business in the state of Missouri with registered agent for service of process is CSC-Lawyers Incorporating Service Company.

**JURISDICTION AND VENUE**

3. That the acts hereinafter mentioned giving rise to this cause of action all

occurred in Greene County, Missouri; that the causes of action alleged are torts; that Plaintiff's damages exceed \$25,000.00; and that, pursuant to V.A.M.S. Section 506.500 and Section 508.010, this Court has jurisdiction and venue, respectively, in this cause.

#### FACTS OF THE OCCURRENCE

4. On or about January 2018, in the course and scope of business, Defendant Lowes Home Centers, LLC's agent, representative, employee or statutory employee installed carpeting in Plaintiffs' house, specifically the stairs leading to the basement.

5. That Defendant Lowe's Home Centers, LLC's agent, representative, employee or statutory employee negligently installed the carpet by not nailing, gluing, tacking or otherwise securing the carpet to the underlying wood, causing an unreasonable risk to Plaintiff.

6. That on or about May 15, 2018, Plaintiff Diana Kershner walked down the basement stairs, slipped and fell on the fourth step from the bottom of the stairs due to the negligently installed carpet.

#### COUNT I

##### NEGLIGENCE OF DEFENDANT JOHN DOE

COMES NOW, Plaintiff Diana Kershner, by and through her attorneys, and for her claim and cause of action on Count I of this Amended Petition for Damages against Defendant JOHN DOE alleges and states as follows:

7. Plaintiff hereby incorporates the preceding paragraphs of this Amended Petition for Damages as though fully set forth herein.

8. That Defendant JOHN DOE owed a duty to Plaintiff to install the carpet on the stairs using ordinary care.

9. That Defendant JOHN DOE breached that duty and was negligent by failing to properly secure the carpet to the underlying wood steps, causing the steps to not be reasonably safe.

10. That as a direct and proximate cause of said negligence, Plaintiff Diana Kershner was caused to be seriously and permanently injured in one, more than one, or all of the following respects, to-wit:

- a. That Plaintiff Diana Kershner has suffered painful, permanent, and progressive bodily injury to her neck, back, right shoulder, left hip, left knee and right knee;
- b. That Plaintiff Diana Kershner has suffered and will continue to suffer from severe and violent injury to her contiguous ligaments, nerves, bones, and tissues of the areas as described in 9a;
- c. That Plaintiff Diana Kershner suffered serious worsening of multiple pre-existing illnesses to the extent such even existed;
- d. That as a direct and proximate cause of Defendant Lowe's Home Centers, LLC's negligence, Plaintiff Diana Kershner has incurred, and will incur in the future, significant medical bills and expenses, healthcare expenses, and prescriptive expenses, the exact amount of which are presently unknown; and,
- e. That as a direct and proximate cause of Defendant Lowe's Home Centers, LLC's negligence, Plaintiff Diana Kershner has suffered pain, physical impairment and loss of life's enjoyment.

**WHEREFORE**, Plaintiff prays for judgment against Defendant JOHN DOE on Count I of this Amended Petition for Damages in an amount that is fair and reasonable as determined by either the Court and a jury, and those damages permitted by law; for Plaintiffs' costs herein expended and incurred, and for such further and other relief as deemed just and proper under the premises.

## COUNT II

### VICARIOUS LIABILITY OF DEFENDANT LOWE'S HOME CENTERS, LLC

COMES NOW, Plaintiff Diana Kershner, by and through her attorneys, and for her claim and cause of action on Count II of this Amended Petition for Damages against Defendant Lowe's Home Centers, LLC alleges, and states as follows:

11. Plaintiff hereby incorporates the preceding paragraphs of this Amended Petition for Damages as though fully set forth herein.
12. That Defendant JOHN DOE was an agent, servant, employee or statutory employee of Defendant Lowe's Home Centers, LLC and at all relevant times herein, was acting within the course and scope of his agency, servitude or employment with Defendant Lowe's Home Centers, LLC.
13. That Defendant Lowe's Home Centers, LLC is vicariously liable for the negligent acts of Defendant JOHN DOE.
14. That as a direct and proximate cause of said negligence, Plaintiff Diana Kershner was caused to be seriously and permanently injured in one, more than one, or all of the following respects, to-wit:
  - a. That Plaintiff Diana Kershner has suffered painful, permanent, and progressive bodily injury to her neck, back, right shoulder, left hip, right and left knee;
  - b. That Plaintiff Diana Kershner has suffered and will continue to suffer from severe and violent injury to her contiguous ligaments, nerves, bones, and tissues of the areas as described in 9a and 12a;
  - c. That Plaintiff Diana Kershner suffered serious worsening of multiple pre-existing illnesses to the extent such even existed;
  - d. That as a direct and proximate cause of Defendant Lowe's Home Centers, LLC's negligence, Plaintiff Diana Kershner has incurred, and will incur in the future, significant medical bills and expenses, healthcare expenses,

and prescriptive expenses, the exact amount of which are presently unknown; and,

- e. That as a direct and proximate cause of Defendant Lowe's Home Centers, LLC's negligence, Plaintiff Diana Kershner has suffered pain, physical impairment and loss of life's enjoyment.

**WHEREFORE**, Plaintiff prays for judgment against Defendant Lowe's Home Centers, LLC on Count II of this Amended Petition for Damages in an amount that is fair and reasonable as determined by either the Court and a jury, and those damages permitted by law; for Plaintiffs' costs herein expended and incurred, and for such further and other relief as deemed just and proper under the premises.

#### COUNT III-LOSS OF CONSORTIUM

COMES NOW, Plaintiff Dennis Kershner by and through his attorneys or record, and for Count III of this Amended Petition against Defendants states and avers as follows:

15. Plaintiff Dennis Kershner incorporates all of the previous paragraphs as though each of said paragraphs was fully set forth herein *in haec verba*.

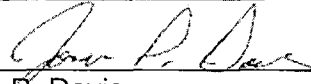
16. That at all times mentioned herein, Plaintiff Dennis Kershner was the lawfully wedded husband of Plaintiff Diana Kershner.

17. That as a result of the aforesaid fall and negligence of the Defendants, Plaintiff Dennis Kershner has been caused to suffer the loss of society, consortium, companionship, love affection and support of the said Plaintiff Diana Kershner, his wife.

**WHEREFORE**, Plaintiffs pray for judgment against Defendants on Count III of this Amended Petition for Damages in an amount that is fair and reasonable as determined by either the Court and a jury, and those damages permitted by law; for

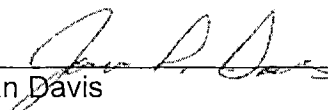
Plaintiffs' costs herein expended and incurred, and for such further and other relief as deemed just and proper under the premises.

BRAD BRADSHAW M.D., J.D., L.C.  
1736 E. Sunshine, Suite 600  
Springfield, MO 65804  
(417) 889-0100; FAX (417) 889-9229  
[brad@semitrucklaw.com](mailto:brad@semitrucklaw.com)  
[jondavis@semitrucklaw.com](mailto:jondavis@semitrucklaw.com)

By:   
Jonathan P. Davis  
Bar Number:.....60988  
Attorneys for Plaintiff

JURY DEMAND

Plaintiff hereby requests a 12-person jury trial in the above captioned cause in accordance with the laws of the state of Missouri.

  
Jonathan Davis



DIANA L. KERSHNER  
and  
DENNIS J. KERSHNER,

vs.

LOWE'S HOME CENTERS, LLC  
and  
JOHN DOE,

Case No. 1931-CC01312

I hereby certify that the original and/or a copy along with a compact disc containing Word version of the following were provided to the Defendant via service through the Cole County Sheriff this 1st day of November, 2019:

- Plaintiff's First Set of Interrogatories to Defendant; and,
- Plaintiff's First Request for Production of Documents to Defendant

BRAD BRADSHAW M.D., J.D., L.C.  
1736 E. Sunshine, Suite 600  
Springfield, MO 65804  
(417) 889-0100; FAX (417) 889-9229  
jondavis@semitrucklaw.com

By:

Jonathan P. Davis

Bar Number:.....60988

Attorneys for Plaintiff

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI

DIANA L. KERSHNER	)	
And	)	
DENNIS J. KERSHNER,	)	
	)	
	Plaintiffs,	)
vs.	)	
	)	Case No.
LOWE'S HOME CENTERS, LLC	)	
and	)	
JOHN DOE	)	
	)	
	Defendants.	)

**PLAINTIFFS' FIRST SET OF INTERROGATORIES TO**  
**DEFENDANT LOWE'S HOME CENTER, LLC**

COME NOW, Plaintiffs Diana Kershner and Dennis J. Kershner, by and through their attorneys of record, Jonathan P. Davis of Brad Bradshaw, MD, JD, LC., and propounds the following Interrogatories to Defendant Lowe's Home Centers, LLC, to be answered fully, separately, in writing and under oath within the time as provided by law:

1. Please state:

- (a) The name and address of the person or persons answering these interrogatories;
- (b) His/her relationship to defendant; and
- (c) His/her position of employment.

**ANSWER:**

**2. STATUS OF DEFENDANT**

State whether or not defendant is incorporated; and if so, state;

- (a) The date and state of incorporation;

- (b) The exact name of the corporation as it appears in its articles of incorporation;
- (c) Whether or not the corporation is now in good standing and if not, the date on which it was administratively suspended or otherwise dissolved;
- (d) If the corporation forfeited its charter, state the exact time that it forfeited its charter and give the names and addresses of the board of directors and the names and addresses of the officers of the corporation;
- (e) If defendant is not incorporated, state whether or not it is a partnership, and if so, give the names of all partners or if it is a municipal corporation or a political organization, state its exact name and in what state it is organized to do business.

**ANSWER:**

**3. STATEMENTS**

State whether or not, following the date of the occurrence mentioned in the petition in this case, a statement, interview, or report, or a stenographic, mechanical, electrical, audio, video, motion picture, photograph or other recording, or transcription thereof, of the plaintiffs and contemporaneously recorded has been secured from plaintiffs or taken of plaintiffs; and, if so, state the following:

- (a) Date, place and time taken;
- (b) Name and address of the person or persons connected with taking it;
- (c) Names and addresses of all persons present at the time it was taken;
- (d) Whether the statement was oral, written, shorthand, recorded, taped, etc.;
- (e) Was it signed?

- (f) Names and addresses of the persons or organizations under whose direction and upon whose direction and upon whose behalf it was taken or made;
- (g) Please attach an exact copy of the original of the statement, interview, report, film, or tape to your answers to these interrogatories; if oral, please state verbatim the contents thereof.

**ANSWER:**

**4. PHOTOGRAPHS, ETC.**

State whether there exist photographs, videotapes, or movies with respect to the scene of the occurrence mentioned in the petition taken within one year prior to or subsequent to the incident mentioned in plaintiffs' petition. If so, state the following:

- (a) Describe each photograph, video, or movie;
- (b) State the date each was taken;
- (c) State the name and address of the person taking each such photo, video, or movie;
- (d) State the name, address, employer, insurer and job title of the person presently having control or custody of each photograph, video, or movie.

**ANSWER:**

**5. EXPERTS**

List and identify:

- (a) Each person this defendant expects to call as an expert witness at the trial, stating for each such expert:

- (i) Name;
  - (ii) Address;
  - (iii) Occupation;
  - (iv) Place of Employment;
  - (v) Qualifications to give an opinion (if such information is available on an expert's curriculum vitae you may attach a copy thereof in lieu of answering this interrogatory subpart.)
- (b) With respect to each expert listed, please state the subject matter on which the expert is expected to testify and the expert's hourly deposition fee.
- (c) Identify each non-retained expert witness, including a party, who the defendant expects to call at trial who may provide expert witness opinion testimony by providing the expert's name, address and field of expertise. State also any opinions the expert will testify to at trial.

**ANSWER:**

**6. WITNESSES**

State the names, addresses and phone numbers of each person known by defendant, defendant's representatives or defendant's attorney to have witnessed the occurrence mentioned in the petition, or who was present at the scene within sixty (60) minutes of the occurrence. Designate which of such people actually claim to have witnessed the occurrence.

**ANSWER:**

**7. WITNESS STATEMENTS**

State whether or not written or recorded statements have been obtained from any persons mentioned in the answers to Interrogatory Number 6 above with regard to the facts or circumstances surrounding the occurrence mentioned in these pleadings. If so, state the following:

- (a) The names, addresses and employers of persons whose statements were obtained;  
and
- (b) The name, address, employer, and job title of the person presently having control or custody of such statements.

**ANSWER:**

**8. CRIMINAL RECORD**

State whether defendant has ever pleaded guilty to or has ever been convicted of a felony or misdemeanor (State or Federal), and if your answer is in the affirmative, please state:

- (a) The date of any such plea or conviction;
- (b) The state and county where said plea or conviction occurred;
- (c) The offense for which defendant pled guilty or was convicted.

**ANSWER:**

**9. VIOLATIONS**

State whether defendant or defendant's representatives was/were convicted of or pleaded guilty to any violation of a law or ordinance arising out of the condition

of the property alleged in plaintiff's petition within 90 days before or after the occurrence in question, and if so, state the charges to which such person was convicted or pled guilty, the name and address of the court where same occurred, the date of final disposition, and the cause number for each such plea or conviction.

**ANSWER:**

**10. INSURANCE**

State whether or not any insurance company has an interest in the outcome of this litigation against defendant. If so, state the following:

- (a) Name of the insurance company;
- (b) Name of the insured;
- (c) Type of insurance;
- (d) Effective policy;
- (e) Policy number;
- (f) Policy limits;
- (g) Attach a copy of the declaration page or Certificate of Coverage of such policy of insurance to your answers to these interrogatories.

**ANSWER:**

**12. OWNERSHIP INTEREST IN PROPERTY**

State whether or not this defendant was the owner of the property mentioned in plaintiffs' petition, and if so, state:

- (a) The date acquired;
- (b) The name and address from whom acquired;
- (c) If defendant has sold the property subsequent to the occurrence in question, please give the date that it was sold and the name and address to whom it was sold;  
and
- (d) If defendant denies that it was the owner at the time and place of the occurrence in question, please state to the best of defendant's knowledge, the name and address of titled owner at the time of said occurrence.

**ANSWER:**

**13. RELATIONSHIP OF DEFENDANT TO OWNER OF PROPERTY**

If defendant was not the owner of said property, state whether or not the defendant had any relationship with the owner of said property, including management of said property, securing repairs for said property, or obtaining rents for said property and state the nature of said relationship.

**ANSWER:**

**14. MAINTENANCE**

State the name and address of the person or entity that was employed to install the carpet wherein the alleged occurrence took place at or near the time of the incident and further state whether or not this person or entity was an employee of defendant or was a separate person or company hired by defendant to install carpet in this area.



**ANSWER:**

**15. WITNESSES TO CONDITION OF PROPERTY**

State the names, addresses and employers of all witnesses to the condition of the premises in the area mentioned in plaintiffs' petition, and if any, state whether or not they are employed by this defendant presently, and if so, state their present job title.

**ANSWER:**

**16. OWNERSHIP INTEREST**

State whether or not this defendant was the sole owner of the store at the time of the occurrence mentioned herein or, if not the sole owner, state:

- (a) What type of ownership interest he/she had in the property;
- (b) If others also had an interest in the property;
- (c) State what type of interest other person had in the property; and
- (d) State their names, present residence and business address.

**ANSWER:**

**17. PARTNERSHIP STATUS**

State whether or not this defendant was a member of a partnership which was the owner of the property where the occurrence took place, and if so, state:

- (a) The name and address of the partnership;
- (b) State the name and addresses of each member of the partnership.

**ANSWER:**

**18. POLICE REPORTS**

State whether or not a police report or incident report was made pertaining to the alleged incident and if so, state:

- (a) The name and address of the police department;
- (b) The complaint number;
- (c) The name and address of the investigating officer, and if you will do so without a request to produce, attach a copy of the police report or incident report.

**ANSWER:**

**19. INCIDENT REPORTS**

State whether or not an incident report was made pertaining to the alleged incident and if so, state:

- (a) The name and address of all persons participating in completion of the incident report;
- (b) The name and addresses of all persons who received and/or reviewed a copy of the incident report;
- (c) Whether the incident report was completed in the ordinary course of the business; and,
- (d) Whether you claim that the incident report was made solely in preparation for litigation and is subject to either attorney-client privilege and/or is work product; if not, please attach a copy of the incident report.

**ANSWER:**

**20. VIDEO SURVEILLANCE**

Please state whether any video surveillance of the basement stairs on the date of the occurrence referenced in Plaintiffs' Petition that shows either the condition of the flooring of the stairs. If so, please state,

- (a) How the video was recorded;
- (b) Whether the video has been preserved;
- (c) The name and address of all persons who currently have custody of the video;
- (d) The name and address of all persons who have viewed the video;
- (e) If the video has been erased and/or recorded over such that there is no longer any video preserved, please state the date it was erased or recorded over, at whose direction it was recorded over and why it was erased or recorded over.

**ANSWER:**

**21. VIDEO SURVEILLANCE**

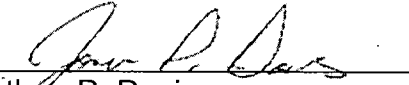
Please state whether any video surveillance of plaintiff. If so, please state,

- (a) How the video was recorded;
- (b) Whether the video has been preserved;
- (c) The name and address of all persons who currently have custody of the video;
- (d) The name and address of all persons who have viewed the video;

(e) If the video has been erased and/or recorded over such that there is no longer any video preserved, please state the date it was erased or recorded over, at whose direction it was recorded over and why it was erased or recorded over.

**ANSWER:**

BRAD BRADSHAW M.D., J.D., L.C.  
1736 E. Sunshine, Suite 600  
Springfield, MO 65804  
(417) 889-0100; FAX (417) 889-9229  
[jondavis@semitrucklaw.com](mailto:jondavis@semitrucklaw.com)

By:   
Jonathan P. Davis  
Bar Number:.....60988  
Attorneys for Plaintiff

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI

DIANA L. KERSHNER	)	
and	)	
DENNIS J. KERSHNER,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	Case No.
	)	
LOWE'S HOME CENTERS, LLC	)	
and	)	
JOHN DOE,	)	
	)	
Defendant.	)	

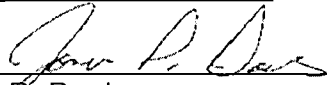
**PLAINTIFF'S FIRST REQUEST FOR PRODUCTION  
OF DOCUMENTS DIRECTED TO DEFENDANT LOWE'S HOME CENTERS, LLC**

COME NOW, Plaintiffs Diana L. Kershner and Dennis J. Kershner, by and through their attorneys of record, Jonathan P. Davis of Brad Bradshaw, MD, JD, LC and pursuant to Missouri Supreme Court Rule 58.01, exhibit the following First Request for Production of Documents to Defendant Lowe's Home Centers, LLC:

1. Copies of any and all declaration pages, or similar documents if no "declaration" pages exist, of any and all insurance policies, including umbrellas, complete with limits, providing coverage for the incident in question.
2. Copies of any and all statements of plaintiffs or plaintiffs' agents, whether written, recorded, videotaped, oral, or otherwise.
3. Copies of any and all photographs and/or video of plaintiffs to include the incident at is the subject of this matter.
4. Copies of any and all notes, diaries, memorandums or similar type documents referencing or regarding this incident, prepared by you prior to obtaining an attorney.
5. If the property upon which you operated your business was rented, please produce a copy of the lease and any diagrams of the property leased.

6. If the property upon which you operated your business was owned, please produce a copy of the deed and any diagrams of the property owned.
7. Please produce copies of any and all incident reports regarding this incident.
8. Please produce copies of any and all video (including surveillance video), advertisements (any and all mediums) and brochures depicting said property for 48 hours before the incident and 48 hours after the incident.

BRAD BRADSHAW M.D., J.D., L.C.  
1736 E. Sunshine, Suite 600  
Springfield, MO 65804  
(417) 889-0100; FAX (417) 889-9229  
[jondavis@semitrucklaw.com](mailto:jondavis@semitrucklaw.com)

By:   
Jonathan P. Davis  
Bar Number:.....60988  
Attorneys for Plaintiff

**IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI**

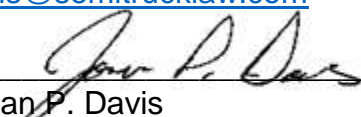
DIANA L. KERSHNER	)	
and	)	
DENNIS J. KERSHNER,	)	
	)	
Plaintiffs,	)	Case No. 1931-CC01312
	)	
vs.	)	
	)	
LOWE'S HOME CENTERS, LLC	)	
and	)	
JOHN DOE,	)	
	)	
Defendants.	)	

**CERTIFICATE OF SERVICE**

I hereby certify that the original and/or a copy along with a compact disc containing Word version of the following were provided to the Defendant via service through the Cole County Sheriff this 1st day of November, 2019:

- Plaintiff's First Set of Interrogatories to Defendant; and,
- Plaintiff's First Request for Production of Documents to Defendant

BRAD BRADSHAW M.D., J.D., L.C.  
1736 E. Sunshine, Suite 600  
Springfield, MO 65804  
(417) 889-0100; FAX (417) 889-9229  
[jondavis@semitrucklaw.com](mailto:jondavis@semitrucklaw.com)

By:   
Jonathan P. Davis  
Bar Number:.....60988  
Attorneys for Plaintiff




# IN THE 31ST JUDICIAL CIRCUIT, GREENE COUNTY, MISSOURI

Judge or Division: MARK A POWELL	Case Number: 1931-CC01312
Plaintiff/Petitioner: DIANA L KERSHNER	Plaintiff's/Petitioner's Attorney/Address JONATHAN P DAVIS 1304 West Battlefield SPRINGFIELD, MO 65807
vs.	
Defendant/Respondent: LOWES HOME CENTERS LLC	Court Address: JUDICIAL COURTS FACILITY 1010 N BOONVILLE AVE SPRINGFIELD, MO 65802
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: **LOWES HOME CENTERS LLC**  
Alias:

CSC LAWYERS INC SERVICE  
221 BOLIVAR  
JEFFERSON CITY, MO 65101  
COURT SEAL OF



GREENE COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

10/23/2019 Date /S/ THOMAS R. BARR BY CR Clerk

Further Information:

### Sheriff's or Server's Return

**Note to serving officer:** Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.  
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with \_\_\_\_\_, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.

☒ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to:

Shelly Louis (name) Designel (title).  
☐ other: \_\_\_\_\_

Served at 350 E. High St (address)  
 in Coli (County/City of St. Louis), MO, on 11/7/18 (date) at 2:00pm (time).

Sheriff John P. Wheeler  
 Printed Name of Sheriff or Server

by Dep. John Strobel 81  
 Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on \_\_\_\_\_ (date).

(Seal)

My commission expires: \_\_\_\_\_

Date

Notary Public

### Sheriff's Fees, if applicable

Summons \$ \_\_\_\_\_  
 Non Est \$ \_\_\_\_\_  
 Sheriff's Deputy Salary  
 Supplemental Surcharge \$ 10.00  
 Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)  
 Total \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



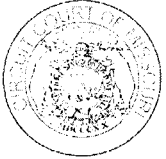


# IN THE 31ST JUDICIAL CIRCUIT, GREENE COUNTY, MISSOURI

Judge or Division: MARK A POWELL	Case Number: 1931-CC01312	<b>FILED RECEIVED</b> <b>M.P. DEC -2 2019</b> <b>NOV 06 2019</b> <b>MAIL ROOM</b> <b>GREENE COUNTY</b> <b>CIRCUIT CLERK</b> <b>SHERIFF'S OFFICE</b>
Plaintiff/Petitioner: DIANA L KERSHNER	Plaintiff's/Petitioner's Attorney/Address JONATHAN P DAVIS 1304 West Battlefield SPRINGFIELD, MO 65807	
Defendant/Respondent: LOWES HOME CENTERS LLC	Court Address: JUDICIAL COURTS FACILITY 1010 N BOONVILLE AVE SPRINGFIELD, MO 65802	
Nature of Suit: CC Pers Injury-Other		

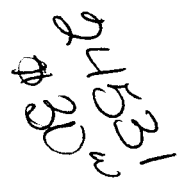
(Date File Stamp)

## Summons in Civil Case

<b>The State of Missouri to: LOWES HOME CENTERS LLC</b> <b>Alias:</b> <b>CSC LAWYERS INC SERVICE</b> <b>221 BOLIVAR</b> <b>JEFFERSON CITY, MO 65101</b> <b>COURT SEAL OF</b>  <b>GREENE COUNTY</b>	<b>You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.</b>
<u>10/23/2019</u> Date	<u>/S/ THOMAS R. BARR BY CR</u> Clerk

Further Information:

<b>Sheriff's or Server's Return</b> <b>Note to serving officer:</b> Summons should be returned to the court within 30 days after the date of issue. I certify that I have served the above summons by: (check one) <input type="checkbox"/> delivering a copy of the summons and a copy of the petition to the defendant/respondent. <input type="checkbox"/> leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent. <input checked="" type="checkbox"/> (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: <u>CSC Lawyers, S.C.</u> (name) <u>Designee</u> (title). <input type="checkbox"/> other: _____ Served at <u>350 E. High</u> (address) in <u>COLE</u> (County/City of St. Louis), MO, on <u>11-7-19</u> (date) at <u>800 AM</u> (time). <u>Sheriff Dan P. Wheeler</u> By <u>Sgt. Aune Wray</u> Printed Name of Sheriff or Server Signature of Sheriff or Server <b>Must be sworn before a notary public if not served by an authorized officer:</b> Subscribed and sworn to before me on _____ (date). (My Seal) My commission expires: _____ Date _____ Notary Public	
--	--

<b>Sheriff's Fees, if applicable</b> Summons \$ _____ Non Est \$ _____ Sheriff's Deputy Salary \$ _____ Supplemental Surcharge \$ <u>10.00</u> Mileage \$ _____ (_____ miles @ \$_____ per mile) <b>Total</b> \$ _____		
A copy of the summons and a copy of the petition must be served on <b>each</b> defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.		